

Building Code Floodplain Regulations

If you are building or renovating in a waterfront or stream area, the floodplain regulations can be confusing. Here are some of the questions people frequently ask:

1. Q. What is flood zone A or 100-year flood?

A. The 100-year flood is a base flood elevation that has a 1-percent chance of being equaled or surpassed each year. The 100-year flood, also designated as flood zone 'A' from Flood Insurance Rate Map (FIRM), could occur more than once in a given year.

2. Q. What are the Tidal Base Floodplain Elevations in Baltimore County?

A. 7.7 feet (Back River and south), and 8.5 feet NAVD88 (North of Back River).

3. Q. What is the difference between Base Floodplain Elevation (BFE) And Flood Protection Elevation (FPE)?

A. Base Flood Elevation is the reference elevation used to determine if the structure is within the 100-year flood or flood zone A. The Flood Protection Elevation is the minimum elevation for the lowest floor of new or substantially improved structures once it is determined they are in the floodplain. The Flood Protection Elevation is one foot higher than the Floodplain Elevation to allow for the thickness of floor structures and to provide a safety factor. In the case of a new structure, the Flood Protection Elevation is two feet higher than the Base Flood Elevation.

4. Q. What are the types of flooding in Baltimore County?

A. Tidal flooding; caused by abnormally high tides, and riverine flooding caused by storm water drainage during storms. No new building or additions may be constructed in any riverine floodplain.

5. Q. What is substantial improvement?

A. Substantial improvement is when the cost of any improvement of a structure in the floodplain equals or exceeds 50 percent of the value of the structure before the improvement. The kinds of things which constitute substantial improvements are:

1. Rehabilitations - improvements made to an existing structure not affecting the external dimensions of the structure;
2. Additions - improvements that increase the square footage of a structure (structural attachment of a bedroom, kitchen, den or other type of addition to an existing structure);
3. Reconstructions - cases where an entire structure is destroyed by damage or purposely razed or demolished and a new structure is built on the old foundation or slab;
4. Substantial Damage - structures that are considered substantial improvements when they incur substantial damage.

6. Q. What happens once a project is determined to be to be a substantial improvement?

A. A substantially improved structure must be brought into compliance with NFIP regulations and Baltimore County law for new construction. This usually means the structure must be elevated (or flood proofed if it is a commercial structure) to the level of the flood protection elevation, and meet certain other requirements.

7. Q. How is the value of a structure determined?

A.

- 1.) Independent appraisals by a professional appraiser, or
- 2.) Property appraisals used for tax assessment in state tax records.

9. Q. When a structure is completely destroyed and a new structure is to be built on the old foundation or slab, is the reconstruction considered a substantial improvement?

A. Yes.

10. Q. Why should an owner suffer what seems to be a penalty for upgrading and improving a structure?

A. The regulations come from the Federal Flood Insurance Program to limit the liability of the federal government in the event of claims against subsidized federal flood insurance or federal disaster relief funds.

Upgrades and improvements add to the value of real property located in flood hazard areas and potentially generate greater claims against federal flood insurance or federal disaster relief funds. So once the improvements reach the substantial improvement level, additional steps are required to limit possible flood damage and flood damage claims.